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Paper No. 4

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OFFICE OF PETITIONS

In re Application of
Gary J. Sullivan
Application No. 09/931,388
Filed: August 15, 2001
Attorney Docket No. MS1-751US

:
: DECISION GRANTING
: PETITION
:
:

This is a decision on the paper styled "Request For Correction Of Filing Receipt" filed on October 5, 2001, which is being treated as a petition under 1.10(c), requesting that the above-identified application be accorded a filing date of August 15, 2001, rather than the presently accorded filing date of August 16, 2001.

Applicant alleges that the application was deposited in "Express Mail" service with the U.S. Postal Service, on August 15, 2001. In support, applicant provided a copy of the Express Mail label, receipt no. EL792821701US, showing a Date-In of August 15, 2001. The same Express Mail number was referred to in the copy of the original transmittal letter submitted with the present application. Applicant requests that the application be accorded a filing date of August 15, 2001.

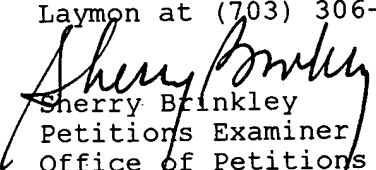
The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on August 15, 2001.

The petition is granted.

No petition fee is required and none has been charged.

The application is being returned to Initial Patent Examination Division to await applicant's response to the Notice mailed September 26, 2001, and for correction of the filing date to August 15, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.


Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy